



AZ POST

INTEGRITY BULLETIN

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The Arizona Peace Officer Standards and Training Board (AZ POST) is mandated by the legislature to establish and enforce the physical, mental, and moral fitness standards for all peace officers in the state. The Board meets the charge to protect the public by overseeing the integrity of Arizona's law enforcement officers by reviewing cases and taking action against the certification of individuals who violate the AZ POST Rules. The following is a summary of some of the actions taken by the Arizona Peace Officer Standards and Training Board at its **November and December 2006 and January 2007**, public meetings. These actions are not precedent setting, in the sense that similar cases will end with the same result, because each case is considered on its individual facts and circumstances. Having said that, this Board publishes this bulletin to provide insight into the Board's position on various types of officer misconduct. As always, the Compliance Specialist for your agency is available to discuss any matter and to assist you with any questions you might have. The "*Editor Notes*" and the "Frequently Asked Questions" section are historical observations and insights for training and discussion purposes only.

November and December 2006 and January 2007

CASE NO. 1

ASSAULT

Officer A became angry when he learned that his 16-year old daughter was pregnant by an 18-year old man that the officer had taken under his wing to help and mentor. He met with the young man and "popped him" in the head, causing him to fall. The officer completed a deferred prosecution program for assault and the charge was dismissed. Officer A was truthful and admitted his off duty misconduct. He appeared before the POST Board and presented mitigation. The Board suspended his certification for one year for the commission of an offense involving physical violence.

CASE NO. 2

THEFT AND ASSOCIATION WITH DRUG USERS

Officer B used his uncle's bank card to remove \$20 from his uncle's account without permission. He also was a close associate to a number of drug users, being present at numerous parties where marijuana and cocaine were being used, accompanying persons to purchase drugs and even gave a cousin \$20 to purchase additional drugs. The Board revoked his peace officer certification for committing a crime involving dishonesty and for conduct that diminishes public trust in the law enforcement profession.

CASE NO. 3

SEX ON DUTY

Officer C engaged in sex on duty on a few occasions. It came to light after two women compared notes and discovered they had both engaged in sex with Officer C while he was on duty. When his department asked him about the accusations, he was honest and forthright in acknowledging his misconduct. He appeared before the Board and was again truthful in admitting his conduct and acknowledging that it was wrong. The Board suspended his certification for one year from the time he left the agency's employment for malfeasance in office.

CASE NO. 4**DISHONESTY**

Officer D used his assigned mobile video recording system to covertly record conversations between himself and his superiors. He was dishonest when asked by internal affairs investigators by saying it wasn't done covertly, because his mobile video system was always on, when in fact he had turned the microphone on just prior to each taping. The Board suspended Officer D's certification for one year prospectively from the date of the Board meeting for malfeasance in office.

CASE NO. 5**ACTION BY ANOTHER STATE**

Officer E was certified in Arizona and New Mexico. The New Mexico POST suspended his certification for one year for committing two DUI's. Arizona POST adopted a consent agreement calling for a concurrent suspension of his Arizona certification.

** Editor's Note: Rule R13-4-109(A)(1) states that the Board may suspend or revoke certification if the officer does not meet minimum qualifications for appointment. One of the qualifications is that the person not have certified status revoked or under current suspension. If an officer is certified in two states and the other one revokes, it can be expected that Arizona will revoke as well.*

CASE NO. 6**DISHONESTY**

Officer F had been shown a way to access command memoranda and documents on his work computer by a supervisor. When he was asked if he had done so, he answered in a way that left the impression he had not. For example, "I have no need to spy on anything anyone here writes," was a true statement with a deceptive purpose. When eventually pinned down on facts, he revealed the fact and extent of his snooping in command files. The Board adopted a consent agreement calling for a six month suspension from the date of his termination from the agency for malfeasance in office.

CASE NO. 7**STEROID USE**

Officer G was ordered to take a drug test after his girlfriend provided information to the department that he had been using steroids. He tested positive for nandrolone, an anabolic steroid and a dangerous drug under Arizona law. Officer G stated that he had purchased the pills from an acquaintance at his gym and he did not know they were steroids. The Board revoked his certification for illegal use of drugs.

CASE NO. 8**MULTIPLE DUI'S**

Officer H drove under the influence of intoxicating liquor while his license was suspended for failure to complete traffic survival school. Several weeks later, when his license was restricted due to his earlier DUI arrest, he again drove under the influence. The officer made no appearance before the Board. The Board revoked his peace officer certification for committing a felony and for malfeasance in office.

CASE NO. 9**FALSE INFO ON APPLICATION**

Officer I was hired by agency one after stating he had never used marijuana. A little over two years later, when he applied with agency two, he stated he had used marijuana about 20 times between the ages of 13 and 15. Agency two terminated his employment. Due to a number of mitigating factors and the fact that the truthful number on his first application would not have disqualified him from certification, the Board suspended his certification for three months for providing false, nonmaterial information on his initial application.

The Board adopted consent agreements calling for voluntary relinquishments in the following fact situations. The scenarios stated here reflect the allegations giving rise to the POST case, but the facts were not proven before the Board.

- An officer lied after Garrity about whether he had identified himself as a police officer during an argument with an employee of a go cart facility.
- An officer was convicted of theft.

The Board entered a mandatory revocation for a conviction of the following felonies:

- Theft, a designated Class 6 Felony
- Aggravated Assault, a Class 3 Felony

On November 15, 2006, and, December 13, 2006, the Board voted to close out the following cases without initiating a Complaint for disciplinary action. This is neither a finding that no misconduct occurred nor a comment that the Board condones the conduct. In fact, the Board's rules are very broad and all misconduct violates one or more of the disciplinary rules. The Board may choose not to initiate a Complaint in a case even though there is misconduct if, considering all the circumstances, including agency discipline, the conduct does not rise to the level requiring a formal administrative proceeding. In many of these cases, the Board makes a statement that the conduct is an important consideration for a future hiring agency. By not taking disciplinary action, the Board leaves the determination of how serious the misconduct was to the discretion of an agency head that may choose to consider the officer for appointment. The Board relies on and enforces the statutory requirement of A.R.S. §41-1828.01 that agencies share information about misconduct with each other, even in cases where the Board has chosen not to take additional independent disciplinary action. Additionally, in some of these cases, further information is necessary before a charging decision can be properly made.

- An officer damaged his own property within his own residence during an argument.
- An officer violated department policy and did not recall making statements the agency believed he made.
- A cadet asked a fellow cadet how to spell a word during a spelling test.
- An officer briefly changed his residence to another state while on light duty status without notifying his department.
- A commander had several instances of inappropriate comments to women that violated agency policy.
- A sergeant was insubordinate when he failed to follow instructions given to him in a Notice of Investigation.
- An officer operated his personal vehicle with expired tags and without insurance.
- An officer took a trip to Hawaii while on extended sick leave.
- An officer pushed his girlfriend in response to physical provocation by her.
- An officer had consistent "below standards" ratings on his performance evaluations.
- A cadet discussed a field problems scenario with another cadet after being given specific instructions not to discuss them.
- An officer denied knowing a person was an adult when he had some idea that the person probably was 18.
- A recruit challenged the squad leader and used profanity toward her.